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Agenda item 68

Indigenous issues

Report of the Third Committee

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session the item entitled "Indigenous issues" and to allocate it to the Third Committee.

2. The Committee considered the item at its 19th, 20th, 22nd and 45th meetings, on 19, 20 and 24 October, and on 21 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/60/SR.19, 20, 22 and 45).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the draft Programme of Action for the Second International Decade of the World's Indigenous People (A/60/270 and Add.1);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people (A/60/358);

(c) Letter dated 5 July 2005 from the representative of Jamaica to the Secretary-General, transmitting the Doha Declaration and Doha Plan of Action adopted by the Second South Summit of the Group of 77, held at Doha from 12 to 16 June 2005 (A/60/111).

4. At the 19th meeting, on 19 October, the Director of the Division for Social Policy and Development, Department of Economic and Social Affairs, made an introductory statement (see A/C.3/60/SR.19).

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5. At the same meeting, the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people made an introductory statement and engaged in a question-and-answer session with the representatives of the United Kingdom of Great Britain and Northern Ireland, Iran (the Islamic Republic of), Guatemala and the Holy See (see A/C.3/60/SR.19).

II. Consideration of proposals

A. Draft resolution A/C.3/60/L.23

6. At the 22nd meeting, on 24 October, the representative of Peru, on behalf of Argentina, Bolivia, Brazil, Chile, Denmark, the Dominican Republic, Ecuador, Guatemala, Guyana, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Programme of action for the Second International Decade of the World's Indigenous People" (A/C.3/60/L.23), which read:

"*The General Assembly*,

"*Bearing in mind* that, in the Vienna Declaration and Programme of Action, the 1993 World Conference on Human Rights recognized the inherent dignity and the unique contribution of indigenous peoples to the development and plurality of society and strongly reaffirmed the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development,

"*Reaffirming* that States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous peoples, on the basis of equality and non-discrimination, and recognizing the value and diversity of their distinctive identities, cultures and social organizations,

"*Recalling* its resolution 48/163 of 21 December 1993, in which it proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, with the goal of strengthening international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health,

"*Bearing in mind* the internationally agreed development goals, including those contained in the United Nations Millennium Declaration and the programme of action for the Second Decade of the World's Indigenous People, which are linked and together bring actions to improve the standard of living of the indigenous peoples,

"*Welcoming* its resolution 59/174 of 20 December 2004 proclaiming the Second International Decade of the World's Indigenous People, 2005-2014,

"*Expressing its appreciation* to the Coordinator of the Second Decade, the Under-Secretary-General for Economic and Social Affairs, for having elaborated a concrete programme of action to be pursued during the Decade based upon equal participation and partnership between all actors involved,

"*Conscious* that in its resolution 59/174 the General Assembly requested the Coordinator to fulfil his mandate in full cooperation and consultation with, inter alia, the Permanent Forum on Indigenous Issues and other relevant bodies and mechanisms of the United Nations system, and the Office of the United Nations High Commissioner for Human Rights,

"*Deeply convinced* of the need to continue giving special attention throughout the Second Decade to standard-setting activities on issues of particular interest to indigenous peoples,

"*Having considered* all the ideas and proposals submitted in the course of drafting the programme of action,

"1. *Adopts* the draft programme of action for the Second International Decade of the World's Indigenous People;

"2. *Urges* all actors involved in the process to cooperate in a constructive manner to achieve rapid progress and concrete results in realizing the goals of the Second Decade;

"3. *Appeals* to the international community to provide financial support to the programme of action for the Second Decade, inter alia, through contributions to the Voluntary Fund for the Second International Decade of the World's Indigenous People;

"4. *Adopts* for the Second International Decade of the World's Indigenous People the theme, "Agenda for life";

"5. *Requests* the Coordinator to consult with Member States, agencies and organizations of the United Nations system, indigenous peoples and other organizations with respect to the possibility of undertaking midterm and end-of-term reviews of the Second Decade;

"6. *Reaffirms* that, in accordance with its resolutions 40/131 of 13 December 1985, 52/108 of 12 December 1997 and 56/140 of 19 December 2001, the representatives of indigenous communities and organizations will continue to benefit from the financial assistance that can be provided by the Voluntary Fund for Indigenous Populations to facilitate their participation in the deliberations of the Working Group on Indigenous Populations and in those of the Permanent Forum and the open-ended intersessional working group of the Commission on Human Rights in charge of completing the draft United Nations declaration on the rights of indigenous peoples;

"7. *Decides* to include in the provisional agenda of its sixty-first session, under the item entitled 'Indigenous issues', a sub-item entitled 'Second International Decade of the World's Indigenous People'."

7. At its 45th meeting on 21 November, the Committee had before it a revised draft resolution (A/C.3/60/L.23/Rev.1), submitted by the sponsors of draft resolution A/C.3/60/L.23 and Antigua and Barbuda, Armenia, Azerbaijan, Barbados, Belize, Burkina Faso, Cameroon, Colombia, Costa Rica, Cuba, China, El Salvador, Estonia, Finland, Greece, Grenada, Guinea, Honduras, Hungary, Italy, Jamaica, Jordan, Nicaragua, Norway, the Philippines, the Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, South Africa and Spain.

8. At the same meeting, the representative of Peru orally revised the ninth preambular paragraph by inserting the words "as appropriate" after the words "the need to continue".

9. Also at the 45th meeting, the Committee adopted draft resolution A/C.3/60/L.23/Rev.1, as orally revised, without a vote (see para. 12).

10. After the adoption of the draft resolution, statements were made by the representatives of Australia, Uruguay (on behalf of the States Members of the United Nations that are members of the Common Market of the South (MERCOSUR) and Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela (Bolivarian Republic of), the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) and the United States of America (see A/C.3/60/SR.45).

B. Draft decision proposed by the Chairman

11. At its 45th meeting, on 21 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people (see para. 13).

III. Recommendation of the Third Committee

12. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Programme of Action for the Second International Decade of the World's Indigenous People

The General Assembly,

Bearing in mind that, in the Vienna Declaration and Programme of Action,[1] the 1993 World Conference on Human Rights recognized the inherent dignity and the unique contribution of indigenous peoples to the development and plurality of society and strongly reaffirmed the commitment of the international community to their economic, social and cultural well-being and their enjoyment of the fruits of sustainable development,

Reaffirming the commitment of States to continue making progress in the advancement of the human rights of the world's indigenous peoples at the local, national, regional and international levels, as well as in areas of culture, education, health, environment and social and economic development,

Reaffirming also that States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous peoples, on the basis of equality and non-discrimination, and recognizing the value and diversity of their distinctive identities, cultures and social organizations,

Recalling its resolution 48/163 of 21 December 1993, in which it proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994, with the goal of strengthening international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health,

Bearing in mind the internationally agreed development goals, including those contained in the United Nations Millennium Declaration[2] and the draft programme of action for the Second Decade of the World's Indigenous People,[3] which are linked and together promote actions to improve the standard of living of the indigenous peoples,

Recalling its resolution 59/174 of 20 December 2004 proclaiming the Second International Decade of the World's Indigenous People, 2005-2014,

Expressing its appreciation to the Coordinator of the Second Decade, the Under-Secretary-General for Economic and Social Affairs, for having elaborated a concrete programme of action to be pursued during the Decade based upon equal participation and partnership between all actors involved,

Conscious that in its resolution 59/174 it requested the Coordinator to fulfil his mandate in full cooperation and consultation with, inter alia, the Permanent Forum

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[1] A/CONF.157/24 (Part I), chap. III.

[2] See resolution 55/2.

[3] A/60/270, sect. II.

on Indigenous Issues, other relevant bodies and mechanisms of the United Nations system and the Office of the United Nations High Commissioner for Human Rights,

Keeping in mind the need to continue, as appropriate, developing standard-setting activities on issues of particular interest to indigenous peoples,

Expressing its appreciation for all contributions and proposals submitted in the course of the drafting of the programme of action for the Second International Decade of the World's Indigenous People, and also giving due consideration to the contributions of the Office of the United Nations High Commissioner for Human Rights and the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights to the draft programme of action,

1. *Adopts* the Programme of Action for the Second International Decade of the World's Indigenous People[3] as a guideline for action for the Decade;

2. *Urges* all actors involved in the process to cooperate in a constructive and decisive manner in order to achieve rapid progress and concrete results in realizing the goals of the Second Decade;

3. *Appeals* to the international community at large to provide financial support to the Programme of Action for the Second International Decade of the World's Indigenous People, inter alia, through contributions to the Voluntary Fund for the Second Decade;

4. *Adopts* "Partnership for action and dignity" as the theme for the Second Decade;

5. *Requests* the Coordinator of the Second Decade to consult with Member States, agencies, organizations and other relevant bodies and mechanisms of the United Nations system, indigenous organizations and other non-governmental organizations about the possibility of undertaking midterm and end-of-term reviews of the Second Decade;

6. *Reaffirms* that, in accordance with its resolutions 40/131 of 13 December 1985, 52/108 of 12 December 1997 and 56/140 of 19 December 2001, the representatives of indigenous communities and organizations will continue to benefit from the financial assistance provided by the United Nations Voluntary Fund for Indigenous Populations to facilitate their participation in the deliberations of the Permanent Forum on Indigenous Issues, the working group of the Commission on Human Rights charged with elaborating the draft United Nations declaration on the rights of indigenous peoples and the Working Group on Indigenous Populations, according to the terms of references of the Fund;

7. *Urges* all Governments and indigenous organizations concerned to take every action necessary to facilitate the adoption of the draft United Nations declaration on the rights of indigenous peoples as soon as possible;

8. *Invites* Governments, the organs, organizations and bodies of the United Nations system, other intergovernmental organizations, indigenous and other non-governmental organizations and civil society actors to draw up their own plans for the Second Decade, using as a guideline for action the goals, objectives and Programme of Action for the Second Decade, including integrating a gender perspective in such activities;

9. *Decides* to include in the provisional agenda of its sixty-first session, under the item entitled "Indigenous issues", a sub-item entitled "Second International Decade of the World's Indigenous People".

13. The Third Committee also recommends to the General Assembly the adoption of the following draft decision.

Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people

The General Assembly takes note of the note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people.[1]

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[1] A/60/358.

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Agenda item 69

Elimination of racism and racial discrimination

Report of the Third Committee

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. At its 17th plenary meeting, on 21 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session the item entitled

"Elimination of racism and racial discrimination:

"(a) Elimination of racism and racial discrimination;

"(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Committee held a general discussion on agenda item 69 jointly with item 70 at its 34th, 35th, 37th, 40th, 42nd and 48th meetings, on 7 to 9, 15, 17 and 23 November, and considered proposals and took action on item 69 at its 40th, 42nd and 48th meetings, on 15, 17 and 23 November 2005. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/60/SR.34, 35, 37, 40, 42 and 48).

3. For its consideration of the item, the Committee had before it the following documents:

Item 69 (a)
Elimination of racism and racial discrimination

Report of the Committee on the Elimination of Racial Discrimination[1]

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18).

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Note by the Secretary-General on the fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/60/283)

Letter dated 25 October 2005 from the representative of Belarus to the Secretary-General (A/C.3/60/4)

Item 69 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/60/307 and Corr.1 and 2)

Letter dated 14 November from the representative of Botswana to the Secretary-General (A/C.3/60/12)

4. At the 34th meeting, on 7 November, the Deputy Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/60/SR.34).

5. At the same meeting, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance made an introductory statement under sub-item (a). The Committee engaged in a question-and-answer session with the Special Rapporteur, in which the representatives of China, Brazil, Côte d'Ivoire, Cuba, the Republic of Korea, the Democratic People's Republic of Korea, the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union), Japan and Egypt took part (see A/C.3/60/SR.34).

II. Consideration of proposals

A. Draft resolution A/C.3/60/L.60

6. At the 40th meeting, on 15 November, the representative of the Russian Federation, on behalf of Belarus, Cuba, the Russian Federation and Tajikistan, introduced a draft resolution (A/C.3/60/L.60) entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance". Subsequently, the Democratic People's Republic of Korea, Nigeria, South Africa, the Sudan and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

7. At the 42nd meeting, on 17 November, the Committee was advised that the draft resolution had no programme budget implications.

8. At the same meeting, the representative of the Russian Federation made a statement (see A/C.3/60/SR.42).

9. Also at the same meeting, the representative of the United States of America made a statement and requested a recorded vote on the draft resolution (see A/C.3/60/SR.42).

10. Also at the 42nd meeting, the Committee adopted draft resolution A/C.3/60/L.60, by a recorded vote of 97 to 4, with 63 abstentions (see para. 21, draft resolution I). The voting was as follows:*

In favour:

Algeria, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gambia, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritius, Mexico, Mongolia, Mozambique, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saudi Arabia, Senegal, Singapore, South Africa, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Japan, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Andorra, Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Burundi, Canada, Croatia, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Morocco, Nauru, Nepal, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia and Montenegro, Slovakia, Slovenia, Solomon Islands, Spain, Sri Lanka, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland.

11. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union) and Iceland. After the adoption of the draft resolution, statements were also made by the representatives of Costa Rica and Ghana (see A/C.3/60/SR.42).

B. Draft resolution A/C.3/59/L.63 and Rev. 1

12. At the 42nd meeting, on 17 November, the representative of Jamaica, on behalf of the States Members of the United Nations that are members of the Group

* The delegations of Bangladesh and Grenada subsequently indicated that, had they been present, they would have voted in favour of the draft resolution.

of 77 and China, and Kazakhstan, introduced a draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation and follow-up to the Durban Declaration and Programme of Action" (A/C.3/60/L.63), which read:

"*The General Assembly*,

"*Recalling* its resolution 59/177 of 20 December 2004, in which it firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,

"*Recalling also* its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

"*Recalling further* its resolutions 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, and 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

"*Reiterating* that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

"*Taking note* of Commission on Human Rights resolutions 2002/68 of 25 April 2002, 2003/30 of 23 April 2003, 2004/88 of 22 April 2004 and 2005/64 of 20 April 2005, by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

"*Underlining* the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

"*Alarmed* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Underlining* the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

"*Welcoming* the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

"I

Basic general principles

"1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

"2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

"3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour, with a view to preventing this practice and protecting victims;

"4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

"5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

"6. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

"7. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

"8. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action, in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

"9. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

"10. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

"II
International Convention on the Elimination of All Forms of Racial Discrimination

"11. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the promotion of equality and non-discrimination in the world;

"12. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, in paragraph 75 of the Durban Programme of Action to achieve universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64 to the effect that, with one hundred and seventy ratifications and only forty-six declarations, the deadline for universal ratification decided by the Conference has regrettably not been realized;

"13. *Urges* the Office of the United Nations High Commissioner for Human Rights, in the above context, to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to demonstrate their practical commitment to meet the deadline for universal ratification as decided upon by the World Conference;

"14. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

"15. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

"16. *Notes* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

"17. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

"III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

"18. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

"19. *Acknowledges* that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

"20. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

"21. *Also emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

"22. *Welcomes* the elaboration of national action plans by those States which have done so and affirms this trend as a demonstration of commitment for the elimination of all the scourges of racism at the national level, and calls

upon those States which have not yet done so to comply with their commitments undertaken at the World Conference;

"23. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"24. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

"25. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Commission on Human Rights shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

"26. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

"27. *Welcomes* the second meeting of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, held in Geneva from 21 to 23 February 2005, in particular its programme of work as requested by the General Assembly in its resolution 59/177, and the appeal of the experts to the Commission on Human Rights and the Assembly to adopt a plan for the five-year review of the implementation of the Durban Declaration and Plan of Action, and further welcomes regional initiatives under way in this regard;

"28. *Decides* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon;

"29. *Expresses its appreciation* for the continuing work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent, and endorses the outcomes of their fourth and fifth sessions respectively and calls for their implementation by all stakeholders;

"30. *Welcomes* the convening of the high-level seminar in January 2006 under the auspices of the Office of the United Nations High Commissioner for Human Rights focusing on the elaboration of standards complementary to the

International Convention on the Elimination of All Forms of Racial Discrimination and on racism and the Internet, and encourages all States to participate in this seminar at the appropriate level;

"31. *Requests* the Secretary-General to reflect the outcome of the high-level seminar in his report to the General Assembly at its sixty-first session on the follow-up to the World Conference;

"32. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the central role to be played by the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

"33. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

"34. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some sporting governing bodies to combat racism, and in this regard, invites the Fédération internationale de football association, in connection with the World Cup to be held in Germany in 2006, and in particular in the interest of promoting a world of sport free from racism and racial discrimination, to consider introducing a visible theme on non-racism in football, and requests the Secretariat to bring this matter to the attention of the Fédération internationale de football association;

"IV

Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

"35. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

"36. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur;

"37. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of people of Asian descent and other communities;

"38. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively;

"39. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

"40. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

"41. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-first session;

"42. *Endorses* the recommendations contained in the report of the Special Rapporteur, and encourages the continuation of his work, and calls for the implementation of those recommendations by all States and other relevant stakeholders;

"43. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur and invites other relevant stakeholders to implement those recommendations;

"44. *Requests* the Secretary-General to give particular attention to the resurgence of racism, racial discrimination and xenophobia against national, ethnic, cultural and religious minorities, immigrant populations, asylum-seekers and refugees, largely through the erosion of their economic and social rights (housing, education, health) and the gradual loss of protection systems under the relevant international instruments;

"45. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by very firmly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

"46. *Reiterates* that international sports bodies such as the Fédération internationale de football association, on the occasion of the World Cup to be held in Germany in 2006, should focus on the national dimension of the fight against racism by asking national federations to submit annual reports on racist incidents and action taken in response to them;

"V

General

"47. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session;

"48. *Decides* to remain seized of this important matter at its sixty-first session under the item entitled 'Elimination of racism and racial discrimination'."

13. Subsequently, the Russian Federation joined in sponsoring the draft resolution.

14. At its 48th meeting, on 23 November, the Committee had before it a revised draft resolution contained in document A/C.3/60/L.63/Rev.1.

15. At the same meeting, the Secretary read out a statement regarding financial provisions relating to the draft resolution (see A/C.3/60/SR.48).

16. Also at the same meeting, the representative of Jamaica (on behalf of the States Members of the United Nations that are members of the Group of 77 and China) made a statement and orally revised the draft resolution as follows:

(a) Preambular paragraph 12, which read:

"*Taking note also* of the report of the Secretary-General",

was deleted;

(b) In operative paragraph 13, the words "deadline for" were replaced by the words "goal of";

(c) In operative paragraph 14, the words "backlog caused by overdue reports submitted" were replaced by the words "delays in the submission of overdue reports";

(d) Operative paragraph 16, which read:

"16. *Welcomes* the work of the Committee in applying the Convention to the new and contemporary forms of racism and racial discrimination, bearing in mind the need to identify the gaps in the Convention for which complementary standards are necessary",

was replaced by:

"16. *Welcomes* the work of the Committee in applying the Convention to the new and contemporary forms of racism and racial discrimination, bearing in mind the need to identify the gaps in the existing international human rights instruments, notably the International Convention on the Elimination of Racial Discrimination, for which complementary standards are necessary";

(e) After operative paragraph 16, a new paragraph 17 was inserted, reading:

"17. *Recognizes* the contribution to be made to the above process by conducting an in-depth assessment and evaluation of the implementation of existing international human rights instruments by States parties",

and old paragraphs 17 to 30 were renumbered as operative paragraphs 18 to 31;

(f) Old operative paragraph 31 was renumbered as operative paragraph 32. That paragraph, which read:

"31. *Welcomes* the second meeting of the group of independent eminent experts, held in Geneva from 21 to 23 February 2005, in particular its programme of work as requested by the General Assembly in its resolution 59/177",

was replaced by:

"32. *Welcomes* the second meeting of the group of independent eminent experts, held in Geneva from 21 to 23 February 2005, in particular its

programme of work, notes its appeal for convening a five-year review of the implementation of the Durban Declaration and Programme of Action, and in this context urges Member States and relevant stakeholders to give due consideration to its appeal with a view to its examination at the sixty-first session";

(g) Old operative paragraph 32, which read:

"32. *Decides* to convene a five-year review of implementation of the Durban Declaration and Plan of Action by no later than 2007, and to this end calls upon the Commission on Human Rights to act as a preparatory committee for this event, to formulate a concrete plan for the review and to provide regular updates and reports to both the Secretary-General and the General Assembly",

was deleted;

(h) In operative paragraph 34, the word "outcomes" was replaced by the word "outcome";

(i) Old operative paragraph 42, which read:

"42. *Recognizes with deep concern* the increase in various parts of the world of racial and violent movements based on racism and discriminatory ideas directed against communities of people of African descent, Asian and Arab descent, indigenous people and Christian, Jewish and Muslim and various religious communities",

was deleted;

(j) Operative paragraph 43 was renumbered as operative paragraph 42 and the words "and other communities" were added at the end of the paragraph;

(k) Operative paragraphs 44 to 47 were renumbered as operative paragraphs 43 to 46;

(l) Operative paragraph 48, which read:

"48. *Requests* the Special Rapporteur to give particular attention to the resurgence of racism, racial discrimination and xenophobia against national, ethnic, cultural and religious minorities, immigrant populations, asylum-seekers and refugees, largely through the erosion of their economic and social rights (housing, education, health) and the gradual loss of protection systems under the relevant international instruments, and to make recommendations thereon to Member States",

was deleted;

(m) After new operative paragraph 46, a new paragraph 47 was inserted, reading:

"47. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum seekers and refugees";

(n) Operative paragraph 49 was renumbered as operative paragraph 48 and the words "very firmly" were replaced by the word "strongly";

(o) Operative paragraph 50, which read:

"50. *Requests* the Secretary-General to ensure that the information summarized in his report is accurate and balanced by seeking the views of affected Member States, and in this regard strongly rejects the inclusion of views rather than activities of non-governmental organizations such as those contained in paragraph 67 of his report",

was deleted;

(p) Operative paragraphs 51 and 52 were renumbered as operative paragraphs 49 and 50;

(q) In new operative paragraph 49, the word "also" was deleted.

17. Also at the 48th meeting, statements were made by the representatives of South Africa (on behalf of the Southern African Development Community) and the Bolivarian Republic of Venezuela (see A/C.3/60/SR.48).

18. At the same meeting, the representative of the United States of America made a statement and requested a recorded vote on the draft resolution (see A/C.3/60/SR.48).

19. Also at the same meeting, the Committee adopted draft resolution A/C.3/59/L.63/Rev.1, as orally revised, by a recorded vote of 172 to 3, with 2 abstentions (see para. 22, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former

Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, United States of America.

Abstaining:

Australia, Canada.

20. Before the vote, statements were made by the representatives of Israel and the United Kingdom of Great Britain and Northern Ireland (on behalf of the European Union); after the adoption of the draft resolution, statements were made by the representatives of Jamaica (on behalf of the Group of 77 and China) and Botswana.

III. Recommendations of the Third Committee

21. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005,[5]

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized the Waffen SS organization and all its integral parts as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[6] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of Action,

Recalling equally the study undertaken by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[7] and taking note of his report,[8]

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups,

1. *Reaffirms* the provision of the Durban Declaration,[6] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist prejudice and stated that these phenomena could never be justified in any instance or in any circumstances;

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 2106 A (XX), annex.
[4] *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. I, sect. A.
[5] Ibid., *2005, Supplement No. 3* (E/2005/23), chap. I, sect. A.
[6] See A/CONF.189/12 and Corr.1, chap. I.
[7] E/CN.4/2005/18 and Add.1-6.
[8] See A/60/283.

2. *Expresses deep concern* over the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials as well as holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism;

3. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as observed by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

4. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] and that they represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association, as well as the rights to freedom of opinion and expression within the meaning of these rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

5. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization, and poison the minds of young people, in particular in the year of the sixtieth anniversary of victory in the Second World War and the liberation of Auschwitz and other concentration camps, and that these practices are incompatible with the obligations of States Members of the United Nations under its Charter and are incompatible with the goals and principles of the Organization;

6. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups;

7. *Emphasizes* the need to take the necessary measures to put an end to the practices described above, and calls upon States to take more effective measures to combat these phenomena and the extremist movements, which pose a real threat to democratic values;

8. *Reaffirms* that according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to this instrument are, inter alia, under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of

another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

9. *Recalls* the request of the Commission on Human Rights in its resolution 2005/5 that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his report to the Commission at its sixty-second session and seek and take into account in this regard the views of Governments and non-governmental organizations;

10. *Invites* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the aforementioned task;

11. *Decides* to remain seized of the issue.

Draft resolution II
Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 59/177 of 20 December 2004, in which it firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[1]

Recalling also its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

Recalling further its resolutions 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, and 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Taking note of Commission on Human Rights resolutions 2002/68 of 25 April 2002,[2] 2003/30 of 23 April 2003,[3] 2004/88 of 22 April 2004[4] and 2005/64 of

[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

20 April 2005,[5] by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office,

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[6]

I
Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

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[5] Ibid., *2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[6] A/60/283.

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

7. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

8. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

9. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

10. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

11. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[7] are of paramount importance for the promotion of equality and non-discrimination in the world;

12. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64[5] to the effect that, with one hundred and seventy ratifications and only forty-six declarations, the deadline for universal ratification decided by the Conference has, regrettably, not been realized;

[7] Resolution 2106 A (XX), annex.

13. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to demonstrate their practical commitment to meet the goal of universal ratification as decided upon by the World Conference;

14. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, and makes a strong appeal to all States parties to the Convention to comply with their treaty obligations;

15. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention, on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

16. *Welcomes* the work of the Committee in applying the Convention to the new and contemporary forms of racism and racial discrimination, bearing in mind the need to identify the gaps in the existing international human rights instruments, notably the International Convention on the Elimination of Racial Discrimination, for which complementary standards are necessary;

17. *Recognizes* the contribution to be made to the above process by conducting an in-depth assessment and evaluation of the implementation of existing international human rights instruments by States parties;

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[8] and article 5 of the Convention;

19. *Notes* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

20. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[9]

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

21. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

22. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two

[8] Resolution 217 A (III).

[9] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

23. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;

24. *Also emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

25. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

26. *Calls upon* all States that have not yet elaborated their national action plans on the combating of racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

27. *Also calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

28. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

29. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

30. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Commission on Human Rights shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

31. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and

targets set at all the major United Nations conferences, summits and special sessions;

32. *Welcomes* the second meeting of the group of independent eminent experts, held in Geneva from 21 to 23 February 2005, in particular its programme of work, notes its appeal for convening a five-year review of the implementation of the Durban Declaration and Programme of Action, and in this context urges Member States and relevant stakeholders to give due consideration to its appeal with a view to its examination at the sixty-first session;

33. *Reaffirms* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon;

34. *Expresses its appreciation* for the continuing work in follow-up to the World Conference, and in this regard endorses the outcome of the third session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, while taking note of the outcome of the fourth session of the Working Group of Experts on People of African Descent, and calls for their implementation by all stakeholders;

35. *Welcomes* the convening of the high-level seminar in January 2006 under the auspices of the Office of the United Nations High Commissioner for Human Rights as set out in Commission on Human Rights resolution 2005/64, and encourages all States to participate in this seminar at the appropriate level;

36. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the central role to be played by the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

37. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

38. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

39. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2006 and 2010 soccer World Cup tournaments to be held in Germany and in South Africa, respectively, to consider introducing a visible theme on non-racism in football, and requests the Secretary-General to bring

this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies;

IV
Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

40. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

41. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

42. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent and communities of people of Asian descent and other communities;

43. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

44. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

45. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-first session;

46. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur, and urges Member States and other relevant stakeholders to consider implementing these recommendations;

47. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum seekers and refugees;

48. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V
General

49. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-first session;

50. *Decides* to remain seized of this important matter at its sixty-first session under the item entitled "Elimination of racism and racial discrimination".

22. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Secretary-General under agenda item 69

The General Assembly takes note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.[1]

[1] A/60/307 and Corr.1 and 2.

United Nations A/60/508

General Assembly

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Sixtieth session
Agenda item 70

Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Committee held a general discussion on agenda item 70 jointly with item 69 at its 28th, 34th, 35th and 37th meetings, on 28 October and from 7 to 9 November 2005 and considered proposals and took action on item 70 at its 40th and 42nd meetings, on 15 and 17 November 2005. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/60/SR.34, 35, 37, 40 and 42).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/60/268);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (A/60/263);

(c) Note by the Secretariat on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/60/319);

(d) Letter dated 5 July 2005 from the representative of Jamaica to the Secretary-General, transmitting the Doha Declaration and Doha Plan of Action

05-62398 (E) 061205

adopted by the Second South Summit of the Group of 77, held at Doha from 12 to 16 June 2005 (A/60/111);

(e) Letter dated 17 October 2005 from the representative of Yemen to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held at United Nations Headquarters on 23 September 2005 (A/60/440-S/2005/658 and Corr.2).

4. At the 28th meeting, on 28 October, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 made an introductory statement and engaged in a question-and-answer session with the representatives of Israel, Palestine, the United States of America, the Sudan, Jordan, Egypt, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), the Libyan Arab Jamahiriya, Venezuela (Bolivarian Republic of), Cuba and China (see A/C.3/60/SR.28).

5. At the 34th meeting, on 7 November, the Deputy Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/60/SR.34).

II. Consideration of proposals

A. Draft resolution A/C.3/60/L.59

6. At the 40th meeting, on 15 November, the representative of Pakistan, on behalf of Algeria, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, Egypt, Eritrea, Iran (Islamic Republic of), Kuwait, the Libyan Arab Jamahiriya, Malaysia, the Niger, Oman, Pakistan, Qatar, Saudi Arabia, Somalia and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/60/L.59). Subsequently, Angola, Armenia, China, the Congo, Guinea, Jordan, Lebanon, Nigeria, Singapore and Thailand joined in sponsoring the draft resolution.

7. At the 45th meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

8. At the same meeting, the representative of Pakistan orally revised the draft resolution, by which the 7th preambular paragraph, which read:

> "*Reaffirming also* its resolutions 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, uphold the right to self-determination of peoples under colonial domination and foreign occupation",

was replaced by:

> "*Reaffirming also* its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter

alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation".

9. Also at the 45th meeting, the Committee adopted draft resolution A/C.3/60/L.59, as orally revised, without a vote (see para. 17, draft resolution I).

10. Statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), Liechtenstein, Argentina, Venezuela (Bolivarian Republic of) and Algeria (see A/C.3/60/SR.45).

B. Draft resolution A/C.3/60/L.62

11. At the 40th meeting, on 15 November, the representative of Egypt, on behalf of Albania, Algeria, Austria, Bahrain, Bangladesh, Belize, China, Cuba, Cyprus, the Democratic People's Republic of Korea, Djibouti, Egypt, Estonia, Indonesia, Iraq, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Mauritania, Morocco, Namibia, Nigeria, Oman, Pakistan, Poland, Qatar, San Marino, Saudi Arabia, Senegal, Sierra Leone, South Africa, the Sudan, Switzerland, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen, and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/60/L.62).

12. At its 42nd meeting, on 17 November, the Committee was advised that the draft resolution had no programme budget implications.

13. At the same meeting, statements were made by the representatives of Israel, Egypt, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) and Spain (see A/C.3/60/SR.42).

14. At the same meeting, the Committee adopted draft resolution A/C.3/60/L.62 by a recorded vote of 162 to 4, with 3 abstentions (see para. 17, draft resolution II). The voting was as follows:[1]

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta,

[1] The delegations of Grenada and Nicaragua subsequently indicated that, had they been present, they would have voted in favour.

Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Palau, United States of America.

Abstaining:

Australia, Equatorial Guinea, Tuvalu.

15. After the adoption of the draft resolution, statements were made by the representatives of Venezuela (Bolivarian Republic of), Canada and Argentina and the observer for Palestine (see A/C.3/60/SR.42).

C. Draft decision proposed by the Chairman

16. At its 42nd meeting, on 17 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 18):

(a) Note by the Secretary-General transmitting the report of Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (A/60/263);

(b) Note by the Secretariat on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of the peoples to self-determination (A/60/319).

III. Recommendations of the Third Committee

17. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 59/180 of 20 December 2004,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination

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[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[3] A/60/268.

is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-first session under the item entitled "Right of peoples to self-determination".

Draft resolution II
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling in this regard its resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Recalling its resolution 59/179 of 20 December 2004,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.
[7] See A/ES-10/273 and Corr.1.
[8] Ibid., advisory opinion, para. 88.

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

18. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the question of the rights of peoples to self-determination

The General Assembly takes note of the following documents:

(a) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;[1]

(b) Note by the Secretariat on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.[2]

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[1] A/60/263.
[2] A/60/319.

United Nations A/60/509

General Assembly

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Sixtieth session
Agenda item 71

Human rights questions

Report of the Third Committee*

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session the item entitled:

"Human rights questions:

"(a) Implementation of human rights instruments;

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

"(c) Human rights situations and reports of special rapporteurs and representatives;

"(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action;

"(e) Report of the United Nations High Commissioner for Human Rights"

and to allocate it to the Third Committee.

2. An account of the Third Committee's consideration of the item is given in the addenda to the present report.

3. For its consideration of the item, the Committee had before it the following documents:

* The report of the Committee on this item will be issued in seven parts, under the symbol A/60/509 and Add.1, Add.2 (Parts I and II) and Add.3-5.

05-62117 (E) 011205

Item 71
Human rights questions

Letter dated 13 July 2005 from the representative of Kazakhstan to the Secretary-General, transmitting the declaration adopted by the Heads of State of the members of the Shanghai Cooperation Organization at its summit at Astana on 5 July 2005 (A/60/129)

Letter dated 6 September 2005 from the representative of the Russian Federation to the Secretary-General, transmitting a statement by the Heads of State of Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan on the occasion of the sixtieth anniversary of the United Nations (A/60/336)

Note verbale dated 27 September 2005 from the Permanent Mission of Togo to the Secretary-General (A/60/392)

Letter dated 30 September 2005 from the representative of Cuba to the Secretary-General (A/60/408-S/2005/626)

Letter dated 17 October 2005 from the representative of Yemen to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held at United Nations Headquarters on 23 September 2005 (A/60/440-S/2005/658 and Corr.2)

Item 71 (a)
Implementation of human rights instruments

Report of the Human Rights Committee in its eighty-second to eighty-fourth sessions[1]

Report of the Committee against Torture on its thirty-third and thirty-fourth sessions[2]

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its second session[3]

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/60/215)

Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/60/220)

Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/60/273)

Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights (A/60/284)

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[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 40* (A/60/40).

[2] Ibid., *Supplement No. 44* (A/60/44).

[3] Ibid., *Supplement No. 48* (A/60/48).

Report of the Secretary-General on human rights and mass exoduses (A/60/325)

Note by the Secretary-General transmitting the report of the chairpersons of the human rights treaty bodies on their seventeenth meeting (A/60/278)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment (A/60/316)

Report of the United Nations High Commissioner for Human Rights on equitable geographical distribution in the membership of the human rights treaty bodies: analysis of the membership of the human rights treaty bodies since 1970 (A/60/351 and Corr.1)

Item 71 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity (A/60/134)

Report of the Secretary-General on the protection of migrants (A/60/272)

Report of the Secretary-General on the right to development (A/60/286)

Report of the Secretary-General on national institutions for the promotion and protection of human rights (A/60/299)

Report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/60/301 and Add.1)

Report of the Secretary-General on human rights and unilateral coercive measures (A/60/305)

Report of the Secretary-General on human rights and terrorism (A/60/326)

Report of the Secretary-General on effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/60/333)

Report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/60/353)

Report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/60/374)

Report of the Secretary-General on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/60/431)

Note by the Secretary-General transmitting the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities on its sixth session (A/60/266)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the independence of judges and lawyers (A/60/321)

Note by the Secretary-General transmitting the report of the Representative of the Secretary-General on the human rights of internally displaced persons (A/60/338 and Corr.1)

Note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on the situation of human rights defenders (A/60/339 and Corr.1)

Note by the Secretary-General regarding the report on human rights and cultural diversity (A/60/340)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/60/348)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food (A/60/350)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants (A/60/357)

Note by the Secretary-General transmitting the report of the independent expert of the Commission on Human Rights on the effects of economic reform policies and foreign debt on the full enjoyment of human rights (A/60/384)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief (A/60/399)

Note verbale dated 27 September 2005 from the Permanent Mission of Togo to the Secretary-General (A/60/392)

Letter dated 25 October 2005 from the representative of Belarus to the Secretary-General (A/C.3/60/3)

Letter dated 28 October 2005 from the representative of Armenia to the Secretary-General (A/C.3/60/5)

Letter dated 7 November 2005 from the representative of Uzbekistan to the Secretary-General (A/C.3/60/8)

Letter dated 8 November 2005 from the representative of Uzbekistan to the Secretary-General (A/C.3/60/9)

Item 71 (c)
Human rights situations and reports of special rapporteurs and representatives

Report of the Secretary-General on the situation of human rights in Turkmenistan (A/60/367)

Report of the Secretary-General on the situation of human rights in Myanmar (A/60/422 and Corr.1)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar (A/60/221)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 (A/60/271)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic People's Republic of Korea (A/60/306)

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights (A/60/349)

Note by the Secretary-General transmitting the interim report of the independent expert on the situation of human rights in Burundi (A/60/354)

Note by the Secretary-General regarding the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan (A/60/356)

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation, in Nepal (A/60/359)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/60/370)

Note by the Secretariat transmitting the report of the independent expert on the situation of human rights in the Democratic Republic of the Congo (A/60/395)

Report of the United Nations High Commissioner for Human Rights on the issue of Palestinian pregnant women giving birth at Israeli checkpoints (A/60/324)

Letter dated 7 November 2005 from the Secretary-General to the representative of Myanmar (A/60/422/Add.1)

Letter dated 24 October 2005 from the representative of Myanmar to the Secretary-General (A/C.3/60/2)

Letter dated 2 November 2005 from the representative of Myanmar to the Secretary-General (A/C.3/60/6)

Letter dated 2 November 2005 from the representative of Israel addressed to the Secretary-General (A/C.3/60/7)

Letter dated 10 November 2005 from the representative of Turkmenistan to the Secretary-General (A/C.3/60/10)

Item 71 (d)
Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

No documents were submitted under this sub-item.

Item 71 (e)
Report of the United Nations High Commissioner for Human Rights

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights (A/60/343)

Report of the United Nations High Commissioner for Human Rights[4]

II. Consideration of a draft decision proposed by the Chairman

4. At its 48th meeting, on 23 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of a number of documents considered in connection with the question of human rights (see para. 5).

[4] Ibid., *Supplement No. 36* (A/60/36).

III. Recommendation of the Third Committee

5. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the question of human rights

The General Assembly takes note of the following reports under the item entitled "Human rights questions":

Under sub-item (a):

(a) Report of the Human Rights Committee on its eighty-second to eighty-fourth sessions;[1]

(b) Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its second session;[2]

(c) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture;[3]

(d) Report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[4]

(e) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;[5]

(f) Report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights;[6]

(g) Report of the Secretary-General on human rights and mass exoduses;[7]

(h) Note by the Secretary-General transmitting the report of the chairpersons of the human rights treaty bodies on their seventeenth meeting;[8]

(i) Report of the United Nations High Commissioner for Human Rights on equitable geographical distribution in the membership of the human rights treaty bodies: analysis of the membership of the human rights treaty bodies since 1970.[9]

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[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 40* (A/60/40).
[2] Ibid., *Supplement No. 48* (A/60/48).
[3] A/60/215.
[4] A/60/220.
[5] A/60/273.
[6] A/60/284.
[7] A/60/325.
[8] A/60/278.
[9] A/60/351 and Corr.1.

Under sub-item (b):

(a) Report of the Secretary-General on strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity;[10]

(b) Report of the Secretary-General on the right to development;[11]

(c) Report of the Secretary-General on human rights and unilateral coercive measures;[12]

(d) Report of the Secretary-General on human rights and terrorism;[13]

(e) Note by the Secretary-General transmitting the report of the Special Representative of the Secretary-General on the situation of human rights defenders;[14]

(f) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[15]

(g) Note by the Secretary-General transmitting the report of the independent expert of the Commission on Human Rights on the effects of economic reform policies and foreign debt on the full enjoyment of human rights;[16]

(h) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief;[17]

Under sub-item (c):

(a) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar;[18]

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967;[19]

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[10] A/60/134.
[11] A/60/286.
[12] A/60/305.
[13] A/60/326.
[14] A/60/339 and Corr.1.
[15] A/60/348.
[16] A/60/384.
[17] A/60/399.
[18] A/60/221.
[19] A/60/271.

(c) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on assistance to Sierra Leone in the field of human rights;[20]

(d) Note by the Secretary-General transmitting the interim report of the independent expert on the situation of human rights in Burundi;[21]

(e) Note by the Secretary-General regarding the interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan;[22]

(f) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation, in Nepal;[23]

(g) Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;[24]

(h) Report of the High Commissioner for Human Rights on the issue of Palestinian pregnant women giving birth at Israeli checkpoints.[25]

Under sub-item (c):

(a) Report of the United Nations High Commissioner for Human Rights;[26]

(b) Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the situation of human rights in Afghanistan and on the achievements of the technical assistance in the field of human rights.[27]

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[20] A/60/349
[21] A/60/354
[22] A/60/356
[23] A/60/359
[24] A/60/370
[25] A/60/324
[26] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 53* (A/60/53).
[27] A/60/343

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Human rights questions: implementation of human rights instruments

Report of the Third Committee*

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session, under the item entitled "Human rights questions", the sub-item entitled "Implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Committee held a general discussion on the sub-item jointly with sub-item 71 (d) at its 22nd, 24th, 28th and 29th meetings, on 24, 26 and 28 October 2005, and took action on sub-item (a) at its 29th, 39th, 42nd, 43rd and 48th meetings, on 28 October and 10, 17, 18 and 23 November. An account of the Committee's consideration is contained in the relevant summary records (A/C.3/60/SR.22, 24, 28, 29, 39, 42, 43 and 48).

3. For the documents before the Committee under this sub-item, see A/60/509.

4. At the 22nd meeting, on 24 October, the Director of the New York Office of the United Nations High Commissioner for Human Rights addressed the Committee (see A/C.3/60/SR.22).

5. At the 24th meeting, on 26 October, the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment made an introductory statement and engaged in a question-and-answer session with the representatives of Yemen, China, Nepal, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), Cuba, Brazil, Venezuela

* The report of the Committee on this item will be issued in seven parts, under the symbol A/60/509 and Add.1, Add.2 (Parts I and II) and Add.3-5.

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(Bolivarian Republic of), Georgia, Iraq, Norway, the United States of America, Bolivia, Pakistan, the Libyan Arab Jamahiriya, Mexico and Mongolia (see A/C.3/60/SR.24).

6. At the 28th meeting, on 28 October, the Representative of the Secretary-General on the human rights of internally displaced persons made an introductory statement (see A/C.3/60/SR.28).

7. At the 29th meeting, on 28 October, the Representative of the Secretary-General on the human rights of internally displaced persons engaged in a question-and-answer session with the representatives of Serbia and Montenegro, Nigeria, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), the Sudan and Switzerland (see A/C.3/60/SR.29).

II. Consideration of proposals

A. Draft resolution A/C.3/60/L.24

8. At the 29th meeting, on 28 October, the representative of Chile, on behalf of Argentina, Austria, Azerbaijan, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, the Congo, Costa Rica, Cyprus, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Latvia, Mexico, the Netherlands, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" (A/C.3/60/L.24). Subsequently, Albania, Armenia, Croatia, the Dominican Republic, Haiti, Iceland, Japan, Kenya, Liechtenstein, Luxembourg, Monaco, Sierra Leone, the former Yugoslav Republic of Macedonia and Venezuela (Bolivarian Republic of), joined in sponsoring the draft resolution.

9. At the 39th meeting, on 10 November, the Committee was advised that the draft resolution had no programme budget implications.

10. At the same meeting, statements were made by the representatives of Chile, India, Switzerland, France, Uruguay (on behalf of the States Members of the United Nations that are members of the Common Market of the South (MERCOSUR)), Canada, the United States of America, South Africa and New Zealand (see A/C.3/60/SR.39).

11. Also at the same meeting, the Committee adopted draft resolution A/C.3/60/L.24 without a vote (see para. 23, draft resolution I).

12. After the adoption of the draft resolution, statements were made by the representatives of Germany, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) and Chile (see A/C.3/60/SR.39).

B. Draft resolution A/C.3/60/L.25 and Rev.1

13. At the 29th meeting, on 28 October, the representative of Denmark, on behalf of Andorra, Argentina, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Greece, Guatemala, Honduras, Italy, Kyrgyzstan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Namibia, the Netherlands, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Moldova, Romania, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine and Uruguay, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/60/L.25), which read:

"*The General Assembly*,

"*Reaffirming* that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

"*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international or internal armed conflict or disturbance, and that the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and customary international law,

"*Recalling also* that a number of international, regional and domestic courts, including the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, have recognized that the prohibition of torture is a peremptory norm of international law,

"*Recalling further* the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

"*Noting* that under the Geneva Conventions of 1949 torture is a grave breach and that under the statutes of the International Criminal Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and the Rome Statute of the International Criminal Court acts of torture are war crimes and can constitute crimes against humanity,

"*Commending* the persistent efforts by non-governmental organizations, including the considerable network of centres for the rehabilitation of victims of torture, to combat torture and to alleviate the suffering of victims of torture,

"1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can

thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, inter alia, by ensuring that no individual in their custody or under their physical control, regardless of nationality or physical location, shall be subject to torture or cruel, inhuman or degrading treatment or punishment;

"2. *Emphasizes* that Governments must take persistent, determined and effective measures to prevent and combat torture and other cruel, inhuman or degrading treatment or punishment, including their gender-based manifestations, inter alia, by ensuring proper follow-up of recommendations and conclusions from the relevant treaty bodies and mechanisms, including the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment;

"3. *Condemns in particular* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions;

"4. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment must be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and takes note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to combat torture;

"5. *Stresses also* that all acts of torture must be made offences under domestic criminal law, and emphasizes that acts of torture are serious violations of international humanitarian law and that the perpetrators of all acts of torture must be prosecuted and punished;

"6. *Urges* States to ensure that any statement that is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;

"7. *Stresses* that States must not punish personnel who are involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

"8. *Recalls* that States shall not expel, return ('refouler'), extradite or in any other way transfer a person to another State under any circumstances, including if diplomatic assurances have been obtained, where there are substantial grounds for believing that the person would be in danger of being subjected to torture;

"9. *Stresses* that national legal systems must ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain

redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, urges Governments to take effective measures to this end, and in this regard encourages the development of rehabilitation centres;

"10. *Stresses* that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment and punishment;

"11. *Reminds* all States that prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and the dignity of the person;

"12. *Calls upon* all Governments to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

"13. *Urges* all States that have not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority;

"14. *Invites* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention concerning inter-State and individual applications, to consider the possibility of withdrawing their reservations to article 20 and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

"15. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

"16. *Calls upon* States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides further measures for use in the fight against and prevention of torture and other cruel, inhuman or degrading treatment or punishment;

"17. *Welcomes* the work of the Committee against Torture and the report of the Committee, submitted in accordance with article 24 of the Convention;

"18. *Calls upon* the United Nations High Commissioner for Human Rights to continue to provide, at the request of Governments, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive

mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

"19. *Welcomes* the interim report of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

"20. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by Governments to his recommendations, visits and communications, including progress made and problems encountered;

"21. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to respond fully and expeditiously to his urgent appeals, to grant requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to his recommendations;

"22. *Stresses* the need for the continued regular exchange of views among the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

"23. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for the Victims of Torture, and appeals to all Governments and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions;

"24. *Requests* the Secretary-General to continue to transmit to all Governments the appeals of the General Assembly for contributions to the Fund and to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

"25. *Also requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture, noting the future establishment of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under the Optional Protocol to the Convention, commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture;

"26. *Further requests* the Secretary-General to submit to the Commission on Human Rights at its sixty-second session and to the General

Assembly at its sixty-first session a report on the status of the Convention and a report on the operations of the Fund;

"27. *Calls upon* all Governments, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

"28. *Decides* to consider at its sixty-first session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment."

14. At the 43rd meeting, on 18 November, the Committee had before it a revised draft resolution (A/C.3/60/L.25/Rev.1), submitted by the sponsors of draft resolution A/C.3/60/L.25 and Albania, Armenia, Australia, Azerbaijan, Bangladesh, Belarus, Bolivia, Burkina Faso, Canada, the Central African Republic, Eritrea, Germany, Ghana, Grenada, Hungary, Iceland, Ireland, Jordan, Kenya, Liechtenstein, Micronesia (Federated States of), Monaco, Mongolia, New Zealand, Papua New Guinea, the Republic of Korea, San Marino, South Africa, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

15. At the same meeting, the Secretary of the Committee read out a statement of programme budget implications of the draft resolution.

16. Also at the 43rd meeting, the representative of Denmark orally revised the draft resolution as follows:

(a) In operative paragraph 2, the words "States ensuring proper follow-up of" were replaced with the words "taking fully into account the" and the words ", after its consideration of their reports," after the words "Committee Against Torture" were deleted;

(b) In operative paragraph 21, the words "to respond favourably to" were replaced by the words "to give serious consideration to responding favourably to".

17. At the same meeting, the Committee adopted draft resolution A/C.3/60/L.25/Rev.1, as orally revised, without a vote (see para. 23, draft resolution II).

18. After the adoption of the draft resolution, the representative of the Bolivarian Republic of Venezuela made a statement (see A/C.3/60/SR.43).

C. Draft resolution A/C.3/60/L.26

19. At the 39th meeting, on 10 November, the representative of Sweden, on behalf of Albania, Argentina, Austria, Belgium, Bolivia, Canada, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Lithuania, Mexico, Monaco, the Netherlands, Nigeria, Norway, Panama, Peru, Poland, Portugal, the Republic of Moldova, Romania, Slovenia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland

introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/60/L.26). Subsequently, Australia, Azerbaijan, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Croatia, El Salvador, Georgia, Guatemala, Honduras, Jordan, Latvia, Liechtenstein, Luxembourg, Malta, New Zealand, Nicaragua, the Republic of Moldova, Serbia and Montenegro, Slovakia, Spain, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and Uruguay joined in sponsoring the draft resolution.

20. At the 42nd meeting, on 17 November, the Secretary of the Committee read out a statement regarding financial provisions relating to the revised draft resolution.

21. At the same meeting, the representative of Sweden orally revised the draft resolution as follows:

(a) Operative paragraph 2, which had read:

"*Takes note with appreciation of* the new States parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and to the Optional Protocols to the International Covenant on Civil and Political Rights, and strongly appeals to all States that have not yet done so to become parties to the Covenants, and to consider as a matter of priority acceding to the Optional Protocols and making the declaration provided for in article 41 of the International Covenant on Civil and Political Rights, and requests the Secretary-General to continue to support the annual treaty event to this end"

was replaced by:

"*Strongly appeals* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as to consider as a matter of priority acceding to the Optional Protocols to the International Covenant on Civil and Political Rights and to making the declaration provided for in article 41 of the International Covenant on Civil and Political Rights, and, while acknowledging that additional States have recently become parties to these instruments, request the Secretary-General to continue to support the annual treaty event to this end";

(b) In operative paragraph 23, the word "*Welcomes*" was replaced with the words "*Takes note with appreciation* of ";

(c) At the end of operative paragraph 26, the words "and welcomes in this regard the decision at the 2005 World Summit to double the regular budget resources of the Office over the next five years" were deleted.

22. Also at the same meeting, the Committee adopted draft resolution A/C.3/60/L.26, as orally revised, without a vote (see para. 23, draft resolution III).

III. Recommendations of the Third Committee

23. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights,[2] other relevant human rights instruments and the Vienna Declaration and Programme of Action,[3]

Affirming the importance of addressing the question of remedies and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law in a systematic and thorough way at the national and international levels,

Recognizing that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms international law in the field,

Recalling the adoption of the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law by the Commission on Human Rights in its resolution 2005/35 of 19 April 2005[4] and by the Economic and Social Council in its resolution 2005/30 of 25 July 2005, in which the Council recommended to the General Assembly that it adopt the Basic Principles and Guidelines,

1. *Adopts* the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law annexed to the present resolution;

2. *Recommends* that States take the Basic Principles and Guidelines into account, promote respect thereof and bring them to the attention of members of the executive bodies of Government, in particular law enforcement officials and military and security forces, legislative bodies, the judiciary, victims and their representatives, human rights defenders and lawyers, the media and the public in general;

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.

[4] To be issued as *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. I, sect. A.

3. *Requests* the Secretary-General to take steps to ensure the widest possible dissemination of the Basic Principles and Guidelines in all the official languages of the United Nations, including by transmitting them to Governments and intergovernmental and non-governmental organizations and by including the Basic Principles and Guidelines in the United Nations publication entitled *Human Rights: A Compilation of International Instruments*.[5]

Annex

Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

Preamble

The General Assembly,

Recalling the provisions providing a right to a remedy for victims of violations of international human rights law found in numerous international instruments, in particular the Universal Declaration of Human Rights[6] at article 8, the International Covenant on Civil and Political Rights[7] at article 2, the International Convention on the Elimination of All Forms of Racial Discrimination[8] at article 6, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[9] at article 14, the Convention on the Rights of the Child[10] at article 39, and of international humanitarian law as found in article 3 of the Hague Convention of 18 October 1907 concerning the Laws and Customs of War on Land (Convention IV),[11] article 91 of Protocol Additional to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977,[11] and articles 68 and 75 of the Rome Statute of the International Criminal Court,[12]

Recalling the provisions providing a right to a remedy for victims of violations of international human rights found in regional conventions, in particular the African Charter on Human and Peoples' Rights at article 7, the American Convention on Human Rights at article 25, and the Convention for the Protection of Human Rights and Fundamental Freedoms at article 13,

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power emanating from the deliberations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and General Assembly resolution 40/34 of 29 November 1985 by which the Assembly adopted the text recommended by the Congress,

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[5] United Nations publication, Sales No. 04.XIV.2.

[6] See General Assembly resolution 2200 A (XXI), annex.

[7] General Assembly resolution 2106 A (XX), annex.

[8] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[9] Ibid., vol. 1577, No. 27531.

[10] See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, *Oxford University Press*, 1915).

[11] United Nations, *Treaty Series*, vol. 1125, No. 17512.

[12] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, 15 June–17 July 1998*, vol. II, *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

Reaffirming the principles enunciated in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, including that victims should be treated with compassion and respect for their dignity, have their right to access to justice and redress mechanisms fully respected, and that the establishment, strengthening and expansion of national funds for compensation to victims should be encouraged, together with the expeditious development of appropriate rights and remedies for victims,

Noting that the Rome Statute of the International Criminal Court[1] requires the establishment of "principles relating to reparation to, or in respect of, victims, including restitution, compensation and rehabilitation", requires the Assembly of States Parties to establish a trust fund for the benefit of victims of crimes within the jurisdiction of the Court, and of the families of such victims, and mandates the Court "to protect the safety, physical and psychological well-being, dignity and privacy of victims" and to permit the participation of victims at all "stages of the proceedings determined to be appropriate by the Court",

Affirming that the Basic Principles and Guidelines contained herein are directed at gross violations of international human rights law and serious violations of international humanitarian law which, by their very grave nature, constitute an affront to human dignity,

Emphasizing that the Basic Principles and Guidelines contained herein do not entail new international or domestic legal obligations but identify mechanisms, modalities, procedures and methods for the implementation of existing legal obligations under international human rights law and international humanitarian law which are complementary though different as to their norms,

Recalling that international law contains the obligation to prosecute perpetrators of certain international crimes in accordance with international obligations of States and the requirements of national law or as provided for in the applicable statutes of international judicial organs, and that the duty to prosecute reinforces the international legal obligations to be carried out in accordance with national legal requirements and procedures and supports the concept of complementarity,

Noting that contemporary forms of victimization, while essentially directed against persons, may nevertheless also be directed against groups of persons who are targeted collectively,

Recognizing that, in honouring the victims' right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law,

Convinced that, in adopting a victim-oriented perspective, the international community affirms its human solidarity with victims of violations of international law, including violations of international human rights law and international humanitarian law as well as with humanity at large, in accordance with the following Basic Principles and Guidelines,

Adopts the following Basic Principles:

I. Obligation to respect, ensure respect for and implement international human rights law and international humanitarian law

1. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law emanates from:

(a) Treaties to which a State is a party;

(b) Customary international law;

(c) The domestic law of each State.

2. If they have not already done so, States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations by:

(a) Incorporating norms of international human rights law and international humanitarian law into their domestic law, or otherwise implementing them in their domestic legal system;

(b) Adopting appropriate and effective legislative and administrative procedures and other appropriate measures that provide fair, effective and prompt access to justice;

(c) Making available adequate, effective, prompt and appropriate remedies, including reparation, as defined below;

(d) Ensuring that their domestic law provides at least the same level of protection for victims as required by their international obligations.

II. Scope of the obligation

3. The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to:

(a) Take appropriate legislative and administrative and other appropriate measures to prevent violations;

(b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law;

(c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, as described below, irrespective of who may ultimately be the bearer of responsibility for the violation, and

(d) Provide effective remedies to victims, including reparation, as described below.

III. Gross violations of international human rights law and serious violations of international humanitarian law that constitute crimes under international law

4. In cases of gross violations of international human rights law and serious violations of international humanitarian law constituting crimes under international law, States have the duty to investigate and, if there is sufficient evidence, the duty to submit to prosecution the person allegedly responsible for the violations and, if found guilty, the duty to punish her or him. Moreover, in these cases, States should, in accordance with international law, cooperate with one another and assist international judicial organs competent in the investigation and prosecution of these violations.

5. To that end, where so provided in an applicable treaty or under other international law obligations, States shall incorporate or otherwise implement within their domestic law appropriate provisions for universal jurisdiction. Moreover, where it is so provided for in an applicable treaty or other international legal obligations, States should facilitate extradition or surrender offenders to other States and to appropriate international judicial bodies and provide judicial assistance and other forms of cooperation in the pursuit of international justice, including assistance to, and protection of, victims and witnesses, consistent with international human rights legal standards and subject to international legal requirements such as those relating to the prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment.

IV. Statutes of limitations

6. Where so provided for in an applicable treaty or contained in other international legal obligations, statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law.

7. Domestic statutes of limitations for other types of violations that do not constitute crimes under international law, including those time limitations applicable to civil claims and other procedures, should not be unduly restrictive.

V. Victims of gross violations of international human rights law and serious violations of international humanitarian law

8. For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term "victim" also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

9. A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.

VI. Treatment of victims

10. Victims should be treated with humanity and respect for their dignity and human rights, and appropriate measures should be taken to ensure their safety, physical and psychological well-being and privacy, as well as those of their families. The State should ensure that its domestic laws, to the extent possible, provide that a victim who has suffered violence or trauma should benefit from special consideration and care to avoid his or her re-traumatization in the course of legal and administrative procedures designed to provide justice and reparation.

VII. Victims' right to remedies

11. Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim's right to the following as provided for under international law:

(a) Equal and effective access to justice;

(b) Adequate, effective and prompt reparation for harm suffered;

(c) Access to relevant information concerning violations and reparation mechanisms.

VIII. Access to justice

12. A victim of a gross violation of international human rights law or of a serious violation of international humanitarian law shall have equal access to an effective judicial remedy as provided for under international law. Other remedies available to the victim include access to administrative and other bodies, as well as mechanisms, modalities and proceedings conducted in accordance with domestic law. Obligations arising under international law to secure the right to access justice and fair and impartial proceedings shall be reflected in domestic laws. To that end, States should:

(a) Disseminate, through public and private mechanisms, information about all available remedies for gross violations of international human rights law and serious violations of international humanitarian law;

(b) Take measures to minimize the inconvenience to victims and their representatives, protect against unlawful interference with their privacy as appropriate and ensure their safety from intimidation and retaliation, as well as that of their families and witnesses, before, during and after judicial, administrative, or other proceedings that affect the interests of victims;

(c) Provide proper assistance to victims seeking access to justice;

(d) Make available all appropriate legal, diplomatic and consular means to ensure that victims can exercise their rights to remedy for gross violations of international human rights law or serious violations of international humanitarian law.

13. In addition to individual access to justice, States should endeavour to develop procedures to allow groups of victims to present claims for reparation and to receive reparation, as appropriate.

14. An adequate, effective and prompt remedy for gross violations of international human rights law or serious violations of international humanitarian law should

include all available and appropriate international processes in which a person may have legal standing and should be without prejudice to any other domestic remedies.

IX. Reparation for harm suffered

15. Adequate, effective and prompt reparation is intended to promote justice by redressing gross violations of international human rights law or serious violations of international humanitarian law. Reparation should be proportional to the gravity of the violations and the harm suffered. In accordance with its domestic laws and international legal obligations, a State shall provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law or serious violations of international humanitarian law. In cases where a person, a legal person, or other entity is found liable for reparation to a victim, such party should provide reparation to the victim or compensate the State if the State has already provided reparation to the victim.

16. States should endeavour to establish national programmes for reparation and other assistance to victims in the event that the party liable for the harm suffered is unable or unwilling to meet their obligations.

17. States shall, with respect to claims by victims, enforce domestic judgements for reparation against individuals or entities liable for the harm suffered and endeavour to enforce valid foreign legal judgements for reparation in accordance with domestic law and international legal obligations. To that end, States should provide under their domestic laws effective mechanisms for the enforcement of reparation judgements.

18. In accordance with domestic law and international law, and taking account of individual circumstances, victims of gross violations of international human rights law and serious violations of international humanitarian law should, as appropriate and proportional to the gravity of the violation and the circumstances of each case, be provided with full and effective reparation, as laid out in principles 19 to 23, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

19. *Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property.

20. *Compensation* should be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, resulting from gross violations of international human rights law and serious violations of international humanitarian law, such as:

(a) Physical or mental harm;

(b) Lost opportunities, including employment, education and social benefits;

(c) Material damages and loss of earnings, including loss of earning potential;

(d) Moral damage;

(e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.

21. *Rehabilitation* should include medical and psychological care as well as legal and social services.

22. *Satisfaction* should include, where applicable, any or all of the following:

(a) Effective measures aimed at the cessation of continuing violations;

(b) Verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety and interests of the victim, the victim's relatives, witnesses, or persons who have intervened to assist the victim or prevent the occurrence of further violations;

(c) The search for the whereabouts of the disappeared, for the identities of the children abducted, and for the bodies of those killed, and assistance in the recovery, identification and reburial of the bodies in accordance with the expressed or presumed wish of the victims, or the cultural practices of the families and communities;

(d) An official declaration or a judicial decision restoring the dignity, the reputation and the rights of the victim and of persons closely connected with the victim;

(e) Public apology, including acknowledgement of the facts and acceptance of responsibility;

(f) Judicial and administrative sanctions against persons liable for the violations;

(g) Commemorations and tributes to the victims;

(h) Inclusion of an accurate account of the violations that occurred in international human rights law and international humanitarian law training and in educational material at all levels.

23. *Guarantees of non-repetition* should include, where applicable, any or all of the following measures, which will also contribute to prevention:

(a) Ensuring effective civilian control of military and security forces;

(b) Ensuring that all civilian and military proceedings abide by international standards of due process, fairness and impartiality;

(c) Strengthening the independence of the judiciary;

(d) Protecting persons in the legal, medical and health-care professions, the media and other related professions, and human rights defenders;

(e) Providing, on a priority and continued basis, human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces;

(f) Promoting the observance of codes of conduct and ethical norms, in particular international standards, by public servants, including law enforcement, correctional, media, medical, psychological, social service and military personnel, as well as by economic enterprises;

(g) Promoting mechanisms for preventing and monitoring social conflicts and their resolution;

(h) Reviewing and reforming laws contributing to or allowing gross violations of international human rights law and serious violations of international humanitarian law.

X. Access to relevant information concerning violations and reparation mechanisms

24. States should develop means of informing the general public and, in particular, victims of gross violations of international human rights law and serious violations of international humanitarian law of the rights and remedies addressed by these Basic Principles and Guidelines and of all available legal, medical, psychological, social, administrative and all other services to which victims may have a right of access. Moreover, victims and their representatives should be entitled to seek and obtain information on the causes leading to their victimization and on the causes and conditions pertaining to the gross violations of international human rights law and serious violations of international humanitarian law and to learn the truth in regard to these violations.

XI. Non-discrimination

25. The application and interpretation of these Basic Principles and Guidelines must be consistent with international human rights law and international humanitarian law and be without any discrimination of any kind or ground, without exception.

XII. Non-derogation

26. Nothing in these Basic Principles and Guidelines shall be construed as restricting or derogating from any rights or obligations arising under domestic and international law. In particular, it is understood that the present Basic Principles and Guidelines are without prejudice to the right to a remedy and reparation for victims of all violations of international human rights law and international humanitarian law. It is further understood that these Basic Principles and Guidelines are without prejudice to special rules of international law.

XIII. Rights of others

27. Nothing in this document is to be construed as derogating from internationally or nationally protected rights of others, in particular the right of an accused person to benefit from applicable standards of due process.

Draft resolution II
Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Reaffirming that no one shall be subjected to torture or to other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right that must be protected under all circumstances, including in times of international or internal armed conflict or disturbance, and that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments,

Recalling also that a number of international, regional and domestic courts, including the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, have recognized that the prohibition of torture is a peremptory norm of international law and have held that the prohibition of cruel, inhuman or degrading treatment or punishment is customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[1]

Noting that under the Geneva Conventions of 1949[2] torture and inhuman treatment are a grave breach and that under the statutes of the International Criminal Tribunal for the Former Yugoslavia and of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, and the Rome Statute of the International Criminal Court[3] acts of torture constitute war crimes and can constitute crimes against humanity,

Commending the persistent efforts by non-governmental organizations, including the considerable network of centres for the rehabilitation of victims of torture, to combat torture and to alleviate the suffering of victims of torture,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat torture and other cruel, inhuman or degrading

[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[2] Ibid., vol. 75, Nos. 970-973.

[3] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June-17 July 1998*, vol. I, *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

treatment or punishment, including their gender-based manifestations, and also emphasizes the importance of taking fully into account the recommendations and conclusions from the relevant treaty bodies and mechanisms, including the Committee against Torture, and the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment;

3. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions;

4. *Stresses* that all allegations of torture or other cruel, inhuman or degrading treatment or punishment must be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate acts of torture must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have been committed, and takes note in this respect of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)[4] as a useful tool in efforts to combat torture;

5. *Stresses also* that all acts of torture must be made offences under domestic criminal law, and emphasizes that acts of torture are serious violations of international humanitarian law and in this regard constitute war crimes and can constitute crimes against humanity, and that the perpetrators of all acts of torture must be prosecuted and punished;

6. *Urges* States to ensure that any statement that is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made;

7. *Stresses* that States must not punish personnel who are involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

8. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

9. *Stresses* that national legal systems must ensure that victims of torture and other cruel, inhuman or degrading treatment or punishment obtain redress, are awarded fair and adequate compensation and receive appropriate social and medical rehabilitation, urges States to take effective measures to this end, and in this regard encourages the development of rehabilitation centres;

10. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or

[4] Resolution 55/89, annex.

imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms can be effective measures for the prevention of torture and other cruel, inhuman or degrading treatment and punishment;

11. *Reminds* all States that prolonged incommunicado detention or detention in secret places may facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person;

12. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export and use of equipment that is specifically designed to inflict torture or other cruel, inhuman or degrading treatment;

13. *Urges* all States that have not yet done so to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] as a matter of priority;

14. *Invites* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

15. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles when submitting reports to the Committee against Torture;

16. *Calls upon* States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[6] which provides further measures for use in the fight against and prevention of torture and other cruel, inhuman or degrading treatment or punishment;

17. *Welcomes* the work of the Committee against Torture and the report of the Committee,[7] submitted in accordance with article 24 of the Convention;

18. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive

[5] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[6] Resolution 57/199, annex.

[7] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 44* (A/60/44).

mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

19. *Notes with appreciation* the interim report of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment,[8] and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

20. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

21. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow-up his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

22. *Stresses* the need for the continued regular exchange of views among the Committee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations Crime Prevention and Criminal Justice Programme, with a view to enhancing further their effectiveness and cooperation on issues relating to torture, inter alia, by improving their coordination;

23. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for the Victims of Torture, and appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions;

24. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Fund and to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

25. *Also requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in combating torture and assisting victims of torture commensurate with the strong support expressed by Member States for combating torture and assisting victims of torture, noting the upcoming entry into force of the Optional Protocol to the Convention;

26. *Further requests* the Secretary-General to submit to the Commission on Human Rights at its sixty-second session and to the General Assembly at its sixty-first session a report on the status of the Convention and a report on the operations of the Fund;

[8] See A/60/316.

27. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

28. *Decides* to consider at its sixty-first session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture, the report of the Committee against Torture and the interim report of the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment.

Draft resolution III
International Covenants on Human Rights

The General Assembly,

Recalling its resolution 58/165 of 22 December 2003 and Commission on Human Rights resolution 2004/69 of 21 April 2004,[1]

Mindful that the International Covenants on Human Rights[2] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the International Bill of Human Rights,

Taking note of the report of the Secretary-General[4] on the status of the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and the Optional Protocols to the International Covenant on Civil and Political Rights,[5]

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights and in providing recommendations to States parties on their implementation,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

Recognizing the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights[2] as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Strongly appeals to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] and to consider as a matter of priority acceding to the Optional Protocols to the International Covenant on Civil

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 217 A (III).

[4] A/60/284.

[5] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

and Political Rights[a] and making the declaration provided for in article 41 of the International Covenant on Civil and Political Rights, and, while acknowledging that additional States have recently become parties to these instruments, requests the Secretary-General to continue to support the annual treaty event to this end;

3. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to the International Covenant on Civil and Political Rights with a view to achieving universal adherence;

4. *Calls for* the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

5. *Emphasizes* that States must ensure that any measure to combat terrorism complies with their obligations under relevant international law, including their obligations under the International Covenants on Human Rights, and welcomes the establishment by the Commission on Human Rights of the mandate of a Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;[b]

6. *Stresses* the importance of avoiding the erosion of human rights by derogation and recalls that, in accordance with article 4 of the International Covenant on Civil and Political Rights, certain rights are recognized as non-derogable in any circumstances and that any measures derogating from the provisions of the Covenant must be in accordance with that article in all cases, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and underlining the exceptional and temporary nature of any such derogations;[c]

7. *Encourages* States parties to consider limiting the extent of any reservations that they lodge to the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, to formulate any reservations as precisely and narrowly as possible, and to regularly review such reservations with a view to withdrawing them so as to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

8. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its fifty-ninth[d] and sixtieth[e] sessions, and takes note of

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[a] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A, resolution 2005/80 of 21 April 2005, para. 14 (a) through (f).

[b] See, for example, General Comment No. 29, adopted by the Human Rights Committee on article 4 of the Covenant regarding derogations from the provisions of the Covenant during a state of emergency (*Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI).

[c] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 40* (A/59/40).

[d] Ibid., *Sixtieth Session, Supplement No. 40* (A/60/40).

the General Comments adopted by the Committee,[10] including the most recent General Comment, No. 31, on the nature of the general legal obligation imposed on States parties to the International Covenant on Civil and Political Rights;[11]

9. *Also welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its thirtieth and thirty-first sessions[12] and on its thirty-second and thirty-third sessions,[13] and takes note of the General Comments adopted by the Committee,[10] including the most recent General Comment, No. 16, on the equal right of men and women to the enjoyment of all economic, social and cultural rights, adopted by the Committee at its thirty-fourth session;

10. *Expresses regret* at the number of States parties that have failed to fulfil their reporting obligations under the International Covenants on Human Rights, and urges States parties to fulfil their reporting obligations on time and to attend and participate in the consideration of the reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights when so requested;

11. *Urges* States parties to make use in their reports of sex-disaggregated data, and stresses the importance of integrating a gender perspective in the implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights;

12. *Strongly encourages* States parties that have not yet submitted core documents to the Office of the United Nations High Commissioner for Human Rights to do so, and invites all States parties regularly to review and update their core documents while bearing in mind the current discussion on the elaboration of an expanded core document;

13. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations and observations made during the consideration of their reports by the Human Rights Committee and by the Committee on Economic, Social and Cultural Rights, and the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights;

14. *Urges* all States to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights in as many local languages as possible and to distribute them and make them known as widely as possible to all individuals within their territory and subject to their jurisdiction;

15. *Urges* each State party to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and, further, to translate, publish and make available as widely as possible to all individuals within its

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[10] See HRI/GEN/1/Rev.7.

[11] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 40* (A/59/40), vol. I, annex III.

[12] *Official Records of the Economic and Social Council, 2004, Supplement No. 2* (E/2004/22).

[13] Ibid., *2005, Supplement No. 2* (E/2005/22).

territory and subject to its jurisdiction by appropriate means the full text of the recommendations and observations made by the Committees after the examination of those reports,

16. *Reiterates* that States parties should take into account, in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, that the Committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, and to equal representation of women and men, and that members serve in their personal capacity, and also reiterates that, in the elections of the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

17. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights;

18. *Stresses* the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, and encourages continued efforts in this direction;

19. *Expresses its appreciation* for the efforts made so far by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve the efficiency of their working methods and encourages the Committees to pursue their efforts and, in this regard, welcomes the meetings held by the Committees and States parties to exchange ideas on how to render the working methods of the Committees more efficient, and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Committees;

20. *Takes note* of the proposals of the Secretary-General and the United Nations High Commissioner for Human Rights as well as other proposals on human rights treaty body reform, inter alia, to harmonize reporting requirements and to create a unified standing treaty body, and looks forward to further deliberations on this subject;

21. *Welcomes* the continuing efforts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to strive for uniform standards in the implementation of the provisions of the International Covenants on Human Rights;

22. *Notes* the need for further consideration of the issue of justiciability of the rights set forth in the International Covenant on Economic, Social and Cultural Rights and for further efforts towards developing indicators and benchmarks to measure progress in the national implementation by States parties of the rights protected by the Covenant;

23. *Takes note with appreciation* of the report on its second session of the open-ended working group of the Commission on Human Rights established with the view to considering options regarding the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights,[14] and encourages all parties to participate actively at the third session of the working group, which will consider a paper with elements for an optional protocol presenting a more judgmental analysis of all the various options for an optional protocol, to be submitted by the Chairperson of the working group in order to facilitate a more focused discussion at the third session;

24. *Encourages* the specialized agencies that have not yet done so to submit their reports on the progress made in achieving the observance of the provisions of the International Covenant on Economic, Social and Cultural Rights, in accordance with article 18 of the Covenant, and expresses its appreciation to those that have done so;

25. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the preparation of their reports, including by convening seminars or workshops at the national level for the training of government officials engaged in the preparation of such reports and by exploring other possibilities available under the programme of advisory services in the field of human rights;

26. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services;

27. *Also requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations, through the United Nations websites.

[14] E/CN.4/2003/32.